

APPEAL NO. 031457  
FILED JULY 30, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 9, 2003. The hearing officer determined that: (1) the respondent (claimant) sustained a compensable injury on \_\_\_\_\_; (2) the claimant had disability from September 16, 2002, through the date of the hearing; (3) the appellant (self-insured) is not relieved from liability under Section 409.002 because the claimant gave timely notice of her injury in accordance with Section 409.001; and (4) the claimant is not barred from pursuing workers' compensation benefits because of an election to receive benefits under a health insurance policy. The self-insured appeals these determinations on sufficiency of the evidence grounds. The claimant urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. The determinations involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**MM  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

---

Edward Vilano  
Appeals Judge

CONCUR:

---

Chris Cowan  
Appeals Judge

---

Thomas A. Knapp  
Appeals Judge